



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Denial of Verified Claim(s) Against the City of Lodi

MEETING DATE: July 01, 1998

SUBMITTED BY: Human Resources Director

RECOMMENDED ACTION: To approve by motion action, denial of the following verified claim(s) filed against the City of Lodi:

A) Berry, Danny

DOL: 10/31/97

B) Daniel, Del

DOL: 03/04/98

BACKGROUND INFORMATION: Following review of the verified claims filed against the City of Lodi, the Risk Manager and/or the City's Contract Administrator, Insurance Consulting Associates, Inc. (ICA), recommend that the City deny the subject claims.

FUNDING: None required.

Respectfully submitted,

Joanne M. Narloch, Human Resources Director

cc: City Attorney

APPROVED: _____

H. Dixon Flynn -- City Manager

CITY COUNCIL

JACK A. SIEGLOCK, Mayor
KEITH LAND,
Mayor Pro Tempore
ROBERT J. JOHNSON
STEPHEN J. MANN
PHILLIP A. PENNINO

CITY OF LODI

CITY HALL
221 WEST PINE STREET, P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
HUMAN RESOURCES: (209) 333-6704
FAX (209) 333-6816

H. DIXON FLYNN
City Manager
ALICE M. REIMCHE
City Clerk
RANDALL A. HAYS
City Attorney

Notice of Claim Rejection

July 01, 1998

Mr. Danny Berry
1901 Robert Street
Lodi, CA 95240

RE: Claim against the City of Lodi
Date of Loss: October 31, 1997
Claim Number: 980428-111-971031-440

Dear Claimant:

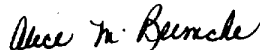
Notice is hereby given that the claim you presented to the City of Lodi on April 28, 1998, is rejected as of the date of this letter.

Warning

Subject to certain exemptions, you have only six (6) months from the date that this notice was personally delivered or deposited in the mail to file a court action on your state law claims. See Government Code Section 945.6. The six month time limit referred to in this notice applies only to claims or causes of action which are governed by the California Tort Claims Act which does not apply to federal causes of action. Additionally, the Tort Claims Act contains certain exemptions. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult with an attorney, you should do so immediately.

Please also be advised that, pursuant to Sections 128.5 and 1038 of the California Code of Civil Procedure, the City will seek to recover all costs of defense in the event an action is filed in this matter and it is determined that the action was not brought in good faith and with reasonable cause.

Sincerely,



Alice M. Reimche
City Clerk

cc: City Attorney
Risk Manager
Bill Benson, ICA

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Notice of Claim Rejection

July 01, 1998

Mr. Del Daniel
1303 Burgundy Lane
Lodi, CA 95242

RE: Claim against the City of Lodi
Date of Loss: March 05, 1998
Claim Number: 980320-75-980305-110

Dear Claimant:

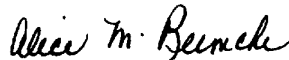
Notice is hereby given that the claim you presented to the City of Lodi on March 20, 1998, is rejected as of the date of this letter.

Warning

Subject to certain exemptions, you have only six (6) months from the date that this notice was personally delivered or deposited in the mail to file a court action on your state law claims. See Government Code Section 945.6. The six month time limit referred to in this notice applies only to claims or causes of action which are governed by the California Tort Claims Act which does not apply to federal causes of action. Additionally, the Tort Claims Act contains certain exemptions. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult with an attorney, you should do so immediately.

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Sincerely,



Alice M. Reimche
City Clerk

cc: City Attorney
Risk Manager
Bill Benson, ICA